

Memorandum • Government of the District of Columbia

TO: The File

Department,
Agency, Office: Zoning Adjustment

FROM: Ella Allen *E.A.*
Zoning Assistant

Date: March 28, 1977

SUBJECT: BZA Application No. 12204

The above referenced application was heard on September 21, 1976. On September 21, 1976, the Board of Zoning Adjustment DENIED this application from the Bench by a vote of 3-0, (Lilla Burt Cummings, Esq., Leonard L. McCants, Esq., and William S. Harps).

On October 20, 1976, the Board of Zoning Adjustment received notification from the D. C. Treasurer (operations division) that this check was returned because of insufficient funds. On February 1, 1977, the applicant was notified in writing of the circumstances.

To date, March 28, 1977, no attempt has been made by applicant to pay either the \$100 filing fee or the \$5.00 deficient check fee. It is therefore, considered that this application is closed and no final Order of the Board shall issue.

Before the Board of Zoning Adjustment, D. C.

Application No. 12204, of Burman Properties, Inc., pursuant to Sub-section 8207.11 of the Zoning Regulations, for a variance from the use provision of Section 3104 to establish an automobile repair garage, first (1st) floor, and storage for vehicles requiring repair (storage will be temporary on lots) at rear of 917 M Street, N. W., Lots 61, 70, 147, and 863, Square 368, in the R-4 District,

HEARING DATE: September 21, 1976

DECISION DATE: September 21, 1976 (Bench Decision)

FINDINGS OF FACT:

1. Applicant seeks to use an existing building to establish an automobile repair garage on the first floor.
2. The vehicles requiring repair will be stored on a lot in front of said building.
3. The automobile repair will consist of body work and mechanical.
4. The building is located in an R-4 District.
5. No further evidence was given.

CONCLUSIONS OF LAW:

Applicant produced no evidence of exceptional and undue hardship as required under Sub-section 8207.11. The burden of proof has not been met. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 3-0 (Lilla Burt Cummings, Esq., Leonard L. McCants, Esq., and William S. Harps).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: 
BERNARD J. McMAHON
Assistant Secretary

FINAL DATE OF ORDER: April 29, 1977